

# In the Court of Appeals of the State of Alaska

|  |   |                                     |
|--|---|-------------------------------------|
| Nick Nicoli,                             | ) |                                     |
|  | ) | Court of Appeals No. <b>A-13373</b> |
| Appellant,                               | ) |                                     |
| v.                                       | ) | <b>Order</b>                        |
|  | ) | Waive Filing Fee                    |
| State of Alaska,                         | ) |                                     |
|  | ) |                                     |
| Appellee.                                | ) | Date of Order: <b>4/22/19</b>       |
| <hr/>                                    |   |                                     |
| Trial Court Case # <b>3DI-13-00028CI</b> |   |                                     |

The Appellant, Mr. Nicoli, moves to waive or reduce the filing fee for his appeal. This case, an appeal of the superior court's denial of post-conviction relief, is governed by the provisions of AS 9.19. Under AS 9.19.010(d), even when a prisoner cannot afford to pay the normal filing fee, the filing fee must be at least 20 percent of (1) the average monthly amount of deposits to the prisoner's account during the preceding six months or (2) the average monthly balance of the prisoner's account during the preceding six months, whichever is greater.

Based on the financial information provided by the Appellant, the greater figure is twenty percent of the average monthly amount of deposits to the prisoner's account: \$19.85. It is this Court's practice to round this figure up to the nearest multiple of 25 cents, \$20.00.

Accordingly, IT IS ORDERED:

1. Mr. Nicoli's motion to waive or reduce the normal filing fee is GRANTED in part.

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2. Mr. Nicoli shall pay a reduced filing fee of **\$20.00**. This fee must be paid within 30 days of this order, **5/22/19**. If there is good reason, the court may grant an extension of this deadline. If Mr. Nicoli fails to pay the filing fee within the time allowed, this appeal will be rejected for filing and this case will be closed.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts

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Beth A. Pechota, Deputy Clerk

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